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10/799,412	03/12/2004	Amandeep Jawa	APL1P272D1	8131

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EXAMINER	
LE, MIRANDA	
ART UNIT	**PAPER NUMBER**
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,412	AMANDEEP JAWA	
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 23-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 23-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment, filed 01/31/2007.

Claims 1-7, 23-41 are pending in this application. In the Amendment, claims 23-41 have been added, claims 1, 3, 5 have been amended, claims 8-22 have been cancelled. This action is made Final.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 32-41 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The specification, paragraph [0078], defines "computer-readable media" as including both storage media (i.e., memory) and communication media (i.e., carrier wave). A computer-readable medium including a carrier wave, or signal, is non-statutory subject matter as set forth in MPEP 2106 (IV)(B)(2)(a). When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a

result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

As such, claims 32, 41 are not limited to tangible embodiments, instead being sufficiently broad so as to encompass intangible media; the claims are not limited to statutory subject matter and are therefore non-statutory.

Claims 33-40 incorporate the deficiencies of claim 32 and do not add tangibility to the claimed subject matter, they are likewise rejected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless:
>
> (e) the invention was described in
>
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
>
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only

if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 30-33, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (U.S. Patent No. 6,498,897).

Nelson anticipated independent claims 1, 30, 31, 32, 41 by the following:

As to claims 1, 30, 32, Nelson teaches a method of retrieving digital media comprising:

querying a server for features of the server *(i.e. an install command is received by the media server, col. 4, line 59 to col. 5, line 4);*

receiving the features of the server *(i.e. send the header information to a requesting client system, col. 5, lines 5-17)*, the features including information about at least one digital media database, wherein the information about the at least one digital media database includes metadata about records, and wherein the records pertain to digital media metadata or media collection data or both *(i.e. header information can comprise information needed to build an artificial header for initializing a decoder for playback of the media file and depends upon the format of the media file. In step 64, the media server stores the header information in a database along with server information (e.g., file name, file location, format type, etc.) and/or other media metadata, col. 4, line 59 to col. 5, line 4);*

querying the server *(i.e. a client system 42 sends a request to play a media file (e.g., a movie title) media server 40 sends back header information that has previously been extracted from the requested media file, col. 6, lines 13-34)*, based on the metadata, for information required to populate one or more of the records associated with the metadata after receiving the metadata, wherein the populating of the one or more records effectively provides one or more populated records corresponding to the one or more records *(i.e. Further, in the case of playback*

of complex assets, artificial headers 54 can be injected when appropriate into the decoder 56. This allows a smooth playback of the digital media data associated with complex assets, such as clip, parallel, sequential and composite assets, col. 6, lines 8-12);

receiving the information required to populate the one or more records of the records associated with the metadata after receiving the metadata associated with the records and in response to the querying of the server *(i.e. On media server side 40, a proxy server 44 can be used to receive a request from client system side 42 for playback of a media file. Proxy server 44 is used because it can be implemented with a cache in memory to provide quick access to header information once retrieved, col. 5, lines 19-37);*

populating the one or more records after receiving the information required to populate the one or more records, thereby effectively providing one or more populated records based on the metadata associated with the one or more records *(i.e. After receiving the name of the requested media file from proxy server 44, media pump 46 retrieves the media file from media file system 50. Media pump 46 then processes the media file, prepares packets for transmission and streams the packets to client system side 42, col. 5, lines 38-49)*; and

receiving digital media associated with at least one of the populated records based on the populated one or more records *(i.e. Further, in the case of playback of complex assets, artificial headers 54 can be injected when appropriate into the decoder 56. This allows a smooth playback of the digital media data associated with complex assets, such as clip, parallel, sequential and composite assets, col. 6, lines 8-12).*

As to claims 31, 41, Nelson teaches a server for providing digital media to one or more devices, wherein said server is capable of:

receiving a query from a device for features of the server *(i.e. an install command is received by the media server, col. 4, line 59 to col. 5, line 4)*;

sending the features of the server to the device in response to the query *(i.e. send the header information to a requesting client system, col. 5, lines 5-17)*, the features including information about at least one digital media database, wherein the information about the at least one digital media database includes metadata about records, wherein the metadata can be used by device to locally present the records as a first local presentation, and wherein the records pertain to digital media metadata or media collection data or both *(i.e. header information can comprise information needed to build an artificial header for initializing a decoder for playback of the media file and depends upon the format of the media file. In step 64, the media server stores the header information in a database along with server information (e.g., file name, file location, format type, etc.) and/or other media metadata, col. 4, line 59 to col. 5, line 4);*

receiving a querying *(i.e. a client system 42 sends a request to play a media file (e.g., a movie title) media server 40 sends back header information that has previously been extracted from the requested media file, col. 6, lines 13-34)* from the device for information required by the device to populate one or more of the records associated with the metadata after sending the metadata to the device *(i.e. Further, in the case of playback of complex assets, artificial headers 54 can be injected when appropriate into the decoder 56. This allows a smooth playback of the digital media data associated with complex assets, such as clip, parallel, sequential and composite assets, col. 6, lines 8-12);*

sending the device information required to populate the one or more records associated with the metadata *(i.e. The extracted header information and artificial header allows the client side flexibility in handling initialization of the decoder for playback of these complex asset types, col. 2, lines 37-46)*, thereby allowing the device to populate the one or more records after receiving the information required to populate the one or more records in order to present the one or more records as one or more populated records *(i.e. Another technical advantage of the present invention is the provision of a composite asset type that allows one asset name to refer to multiple encodings of the same asset. Also, the client side media control application is enabled to select the appropriate format and applications for playback based upon the specific characteristics of the client system, col. 2, lines 47-52;*

receiving a second query from the device regarding at least one of the one or more populated records *(i.e. the player can select the first set of content descriptors, col. 8, line 65 to col. 9, line 10)*; and

sending digital media associated with the at least one populated record after receiving the second query from said device *(i.e. When a player opens a movie, the player can be given back a movie object. From this movie object it can get an array of array of content descriptors. The player can then go through the array to figure out what type(s) of asset(s) that it will be playing. The player can also get the start offset in case the asset is a clip so that the player can adjust the time accordingly, col. 8, lines 58-64).*

As to claims 2, 33, Nelson teaches the records to both digital media metadata and media collections and multiple queries *(i.e. an install command is received by the media server, col. 4,*

line 59 to col. 5, line 4) are required to populate the records associated with the metadata *(i.e. a client system 42 sends a request to play a media file (e.g., a movie title) media server 40 sends back header information that has previously been extracted from the requested media file, col. 6, lines 13-34).*

As per claim 3, Nelson teaches the method of claim 1 further comprising using a local database management system to manage the information contained in the media collection data records and the digital media metadata records *(i.e. On client system side 42, a media control application 52 receives the header information from proxy server 44 .... Media control application 52 uses the header information to create an artificial header 54 which can be stored in memory for quick access by media control application 52. Media control application can inject artificial header 54 into an appropriate decoder 56 to initialize decoder 56 for playback of the media file as appropriate for decoder 56 and for the format of the digital media, col. 5, line 49 to col. 6, line 7)*

As per claim 4, Nelson teaches the method of claim 1, wherein the server is a remote device across a network *(i.e. a media server side 40 and a client system side 42. On media server side 40, a proxy server 44 can be used to receive a request from client system side 42 for playback of a media file. Proxy server 44 is used because it can be implemented with a cache in memory to provide quick access to header information once retrieved, col. 5, lines 19-37).*

As per claim 5, Nelson teaches the method of claim 1 further comprising: requesting media from across a network; and receiving the requested media across the network *(i.e. a media server side 40 and a client system side 42. On media server side 40, a proxy server 44 can be used to receive a request from client system side 42 for playback of a media file. Proxy server 44 is used because it can be implemented with a cache in memory to provide quick access to header information once retrieved, col. 5, lines 19-37).*

As per claim 6, Nelson teaches the method of claim 5 further comprising presenting the received media at a client device, wherein presenting the received media includes playing the media for a user *(i.e. When a player opens a movie, the player can be given back a movie object. From this movie object it can get an array of array of content descriptors. The player can then go through the array to figure out what type(s) of asset(s) that it will be playing. The player can also get the start offset in case the asset is a clip so that the player can adjust the time accordingly, col. 8, lines 58-64).*

As per claim 7, Nelson teaches the method of claim 1, wherein the method is stored as instructions on a computer-readable medium *(Figs. 1-5).*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 23-29, 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (U.S. Patent No. 6,498,897), in view of Hoffert et al. (U.S. Patent No. 6,374,260).

As to claims 23, 34, Nelson does not specifically teach said metadata effectively provides a first representation of said one or more records; and

wherein the populated one or more records effectively provide a second representation of the one or more records.

Hoffert teaches:

metadata effectively provides a first representation of said one or more records *(i.e. the name of the media file; URL of the media file; text string which is associated with the; media file anchor reference; title of the HTML document containing the media file; keywords associated with the HTML document; URL for the HTML document; containing the media file reference ; keywords embedded in the media file ; textual; annotations in the media file; script dialogue, closed captioning and lyric data in the media file; auxiliary data in the media file (copyright, author, producer, etc.); auxiliary data located within the media reference in the HTML document; auxiliary data located in an associated media description file, col. 5, lines 40-63);* and

the populated one or more records effectively provide a second representation of the one or more records *(i.e. the name of the media file; URL of the media file; text string which is*

associated with the; media file anchor reference; title of the HTML document containing the media file; keywords associated with the HTML document; URL for the HTML document; containing the media file reference ; keywords embedded in the media file ; textual; annotations in the media file; script dialogue, closed captioning and lyric data in the media file; auxiliary data in the media file (copyright, author, producer, etc.); auxiliary data located within the media reference in the HTML document; auxiliary data located in an associated media description file, col. 5, lines 40-63).

It would have been obvious to one of ordinary skill of the art having the teaching of Nelson and Hoffert at the time the invention was made to modify the system of Nelson to include the limitations as taught by Hoffert.

One of ordinary skill in the art would be motivated to make this combination in order to analyze of the content of files found in the search and for display of previews of the information in view of Hoffert *(col. 2, lines 29-36)*, as doing so would give the added benefit of allowing a user to easily identify media objects of interest as taught by Hoffert *(col. 3, lines 12-20).*

As to claims 24, 35, Hoffert teaches using the metadata to effectively provide a first representation of the one or more records *(col. 5, lines 40-63; Fig. 4A)*; and

populating the one or more records to effectively provide a second representation of the one or more records *(col. 5, lines 40-63; Fig. 4A).*

As to claims 25, 36, Hoffert teaches the first representation provides a first level of detail with respect to the one or more records *(col. 5, lines 40-63; Fig. 4A)*; and

wherein the second representation provides a second level of detail with respect to the one or more records *(col. 5, lines 40-63; Fig. 4A).*

As to claims 26, 37, Hoffert teaches the second level of detail represents the one or more records in greater detail than the first level of detail *(col. 5, lines 40-63; Fig. 4A).*

As to claims 27, 38, Hoffert teaches the first representation represents the one or more records in accordance with a first aspect of representation *(col. 5, lines 40-63; Fig. 4A)*; and

wherein the second representation represents the one or more records in accordance with a second aspect of representation that is different than the first aspect of representation *(col. 5, lines 40-63; Fig. 4A).*

As to claims 28, 39, Hoffert teaches querying the server for information required to provide a third representation of the one or more records *(i.e. query the streaming media to obtain appropriate content attributes and header data, col. 6, lines 9-36).*

As to claims 29, 40, Hoffert teaches querying the server for information required to further populate the at least one record in order to effectively provide a third representation of the at least one record *(i.e. query the streaming media to obtain appropriate content attributes and header data, col. 6, lines 9-36).*

Response to Arguments

8. Applicant's arguments regarding Rolf does not teach the new amended claimed limitations with respect to claims 1-7, 23-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Miranda Le
April 13, 2007

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